

Memorandum

To: Hearing Commissioners – Te Tai o Poutini Plan
From: Briar Belgrave and Lois Easton (Reporting Officers)
Date: 7 October 2024
Re: KiwiRail Submission – Setbacks from the Rail Corridor

Introduction and purpose

- (1) This reply relates to the setback requirements within the Zone provisions of the Te Tai o Poutini Plan (**pTTPP**) as they relate to the rail corridor.
- (2) The reply has been prepared jointly by:
 - (a) Lois Easton for West Coast Regional Council – reporting planner for the Residential, Special Purpose, Rural, Settlement and Open Space Zones topics; and
 - (b) Briar Belgrave for West Coast Regional Council – reporting planner for Industrial and Commercial Zones topic.
- (3) The joint reply sets out matters agreed by all reporting officers and there are no matters of disagreement.
- (4) Ms Easton and Ms Belgrave met via video conference on 9 September 2024 and then conferred via email on the preparation of this joint right of reply.
- (5) This right of reply focuses on the setback requirements in the Permitted Activity standards for the zone rules in relation to the rail corridor.
- (6) We note that Ms Easton’s right of reply for the Open Space Zones topic and the Residential and Special Zones topic also addresses this matter.
- (7) The Open Space Zones right of reply recommends a 4.5m setback against the rail corridor for buildings and structures in the Sports and Recreation Zone (SARZ – R1 standard 4.i) and the Open Space Zone (OSZ – R1 standard 3.i).
- (8) The Special Purpose Zone right of reply does not address whether setbacks are appropriate or not, but does identify that if they are to be included, that the reporting officer would not oppose them including structures as well as buildings in relation to the Future Urban Zone and Māori Purpose Zone.

General approach to setbacks from the rail corridor

- (9) We agree that setbacks from the rail corridor designation boundary for buildings may be appropriate in certain circumstances/particular zones but do not support a setback for structures. This position replaces the recommendations from Ms Easton’s right of reply for the Open Space and Recreation Zones and Special Purpose Zones topics.
- (10) We consider that, given the reasons outlined in the KiwiRail evidence, that placing setback requirements on all structures is not reasonable given the issue being addressed. For example this would mean in a rural zone, that a stockwater trough could not be placed in the setback.

- (11) We have also considered how this matter is dealt with in other plans, and have not found that there is any consistency of approach by plan, or zone within a plan. This is not a matter where standard national setbacks are applied. Setbacks in other plans are the norm, but these can range anywhere from 1.5m to 5m.
- (12) We also note that there is considerable variability of use – and therefore risk – associated with the rail corridor on the West Coast. The Greymouth – Hokitika branch line is used by one train (two movements) per day to the Westland Milk Products siding. Similarly, the Rapohoe branch line (which travels through Runanga) currently has only one train per day – though KiwiRail has advised that this may increase to eight per day with the Westland Mineral Sands mine proposal at Barrytown. This compares to the Midland Line (Greymouth to Christchurch) which sees 100 train movements and 29 locomotives per week.
- (13) We consider that as a general principle, the width of the setback should reflect the level of risk and that the branch lines across the West Coast region represent a low level of risk.
- (14) We agree that the impact of such a setback on the reasonable use of land will vary by zone with much greater impacts seen in the urban zones – and due to the location of the railway line – the COMZ – Commercial and Mixed Use Zones and RESZ – Residential Zones. Alongside this, the areas where the rail corridor traverses these zones is the less used parts of the network.
- (15) The highest use Midland Line abuts properties in the three RURZ – Rural Zones – General Rural, Rural Lifestyle and Settlement Zone, the Mineral Extraction Zone and the General Industrial Zone.
- (16) The planners also note that the railway designation is considerably wider than the railway line itself and so there is already an effective buffer between the railway activity and the adjacent private land. Alongside this, the railway line is generally parallel and close to the state highway. There are a large number of properties alongside the Greymouth – Hokitika branch line that are effectively sandwiched between the state highway (which has a 5m setback requirement) and the railway line. In these circumstances introducing an additional requirement for a large setback against the railway line – when section depths are only 15-16 metres, would have a significant impact on the use of many urban sites and is not supported by the planners.

RURZ – Rural Zones Chapter

- (17) The planners note that there are setbacks for buildings against internal boundaries in all the rural zones. These would equally apply to boundaries with the rail corridor. The notified plan setbacks are as follows:
 - (a) General Rural Zone 10m (though the s42A report recommends reducing this to 5m)
 - (b) Rural Lifestyle Zone 10m (though the s42A report recommends reducing this to 3m)
 - (c) Settlement Zone 1m
- (18) Given that the most significant rail movements abut these zones, the planners agree that for the General Rural Zone and Rural Lifestyle Zone a 5m setback against the rail corridor is appropriate.
- (19) The planners agree that a 5m internal boundary setback for the Settlement Zone is excessive, particularly when the existing site sizes of most properties within this zone are similar to those within the General Residential Zone. In serviced areas, the Settlement Zone allows for a 500m² site size, and a 5m setback would unreasonably constrain use on the site.

- (20) In addition, it is considered that KiwiRail has not provided clear and detailed evidence to support that such a setback is appropriate and needed across the Settlement Zone.
- (21) The planners agree that a setback of 1.5 m in the Settlement Zone for new buildings would represent a more balanced and appropriate setback requirement. This will ensure that new buildings are not located against the boundary, and will provide space to ensure that maintenance can occur.

INZ – Industrial Zones Chapter

- (22) The planners note that there is an existing 5m setback for buildings against the railway corridor in Rule 1 in both the General Industrial and Light Industrial Zone. This is a “rollover” from the existing district plans, and there are no submissions opposing this.
- (23) The planners agree that no change to this provision is necessary.

CMUZ – Commercial and Mixed Use Zones Chapters

- (24) The planners note that in all Commercial and Mixed Use Zones, that a setback from side and rear boundaries is only required from the boundary adjoining an identified zone. The identified zones include the Residential, Open Space and Recreation, Industrial, and Port Zones. A setback is not specifically required from boundaries with the rail corridor.
- (25) The planners agree that a setback between 4.5m – 5m is excessive and not appropriate when taking into consideration the nature and frequency of all rail movements, the infrequent and intermittent nature of building maintenance activities, and the impact that a 4.5m – 5m setback would have on land available for development, which will have consequential impacts on the ability of landowners to redevelop land and revitalise the Commercial and Mixed Use Zones.
- (26) In addition, it is considered that KiwiRail has not provided clear and detailed evidence to support that such a setback is appropriate and needed across the Commercial, Mixed Use, and Town Centre Zones.
- (27) It is further noted that a consistent setback approach has not been applied in other plans and within the Commercial zones specifically, with setback requirements commonly ranging between 1.5m – 2.5m, and 5m under the Selwyn District Plan (Appeals Version).
- (28) The planners consider that it would be more efficient to manage relevant effects within the Commercial and Mixed Use zones under the pTTPP through the designation process, and extending it to include a buffer whereby such a setback is not required in the adjoining zone. Notwithstanding, the planners agree that a 1.5m setback requirement for new buildings, and excluding accessory buildings and structures, would represent a more balanced and appropriate setback requirement. This will ensure that new buildings are not located against the boundary, and will provide space to ensure that maintenance can occur. For the reasons that have been identified and discussed above, it is not considered appropriate to apply the setback requirement to structures or accessory building that are ancillary and secondary to any primary activity occurring within these zones.

RESZ – Residential Zone Chapters

- (29) The planners note that there are setbacks for buildings against internal boundaries in all the Residential zones. These would equally apply to boundaries with the rail corridor. The notified plan setbacks are as follows:
 - (a) General Residential Zone 1m

(b) Medium Density Residential Zone 1m

(c) Large Lot Residential Zone 4m

- (30) The planners agree that a 5m setback would be excessive in all of these zones, and not appropriate when taking into consideration the nature and frequency of all rail movements, the infrequent and intermittent nature of building maintenance activities, and the impact that a 4.5m – 5m setback would have on land available for development, which will have consequential impacts on the ability of landowners to redevelop land and expand the number and type of housing options available within the main centres.
- (31) The planners favour a consistent approach across the more intensively developed urban zones whereby a setback of 1.5m for new buildings against the railway corridor is provided for.

SPZ – Special Purpose Zone Chapters

- (32) The planners note that the railway corridor abuts the PORTZ – Port Zone, FUZ – Future Urban Zone, MPZ – Māori Purpose Zone, and HOSZ – Hospital Zone, MEZ - Mineral Extraction Zone and BCZ – Buller Coalfield Zone.
- (33) The planners note that there is an existing 5m setback for buildings against the railway corridor in Rule 1 for the PORTZ - Port Zone. This is a “rollover” from the existing district plans, and there are no submissions opposing this.
- (34) The planners agree that no change to the Port Zone provision is necessary.
- (35) In relation to the other Special Purpose Zones currently the following internal setbacks apply for buildings:
- (a) Future Urban Zone – 5m from side boundaries and 20m from rear boundaries;
 - (b) Māori Purpose Zone – 5m from internal boundaries
 - (c) Hospital Zone – no setback requirements from internal boundaries unless these are RESZ – Residential Zone or OSRZ- Open Space and Recreation Zone boundaries (recession planes apply)
 - (d) Mineral Extraction Zone – 10m from internal boundaries
 - (e) Buller Coalfield Zone – 10m from internal boundaries

The planners agree that the existing setbacks from internal boundaries in the Māori Purpose, Future Urban Zone, Mineral Extraction and Buller Coalfield Zones are all sufficient. In terms of the Hospital Zone, Greymouth Hospital is the only site where the Hospital Zone abuts the railway corridor. This hospital, while recently redeveloped, sits on a limited site and further redevelopment and expansion is possible. In this location the road and railway corridor are directly adjacent. The planners consider that a similar approach to the Commercial Zones should apply in the Hospital Zone – with a 1.5m setback from the railway corridor being appropriate.

OSRZ – Open Space and Recreation Zone Chapter

- (36) The planners agree the 4.5m setback recommended in the s42A author right of reply is generally appropriate in the Sports and Recreation and Open Space Zones, being consistent with the roading setback and recognising that these zones have a low expectation of development and generally a more open character than the urban zones.

- (37) Consistent with other recommendations, the planners agree this setback should only apply to new buildings.
- (38) The planners agree that no additional setback requirements are necessary in the Natural Open Space Zone – which is entirely vegetated and largely inaccessible in locations adjacent to the Reefton – Westport branch line.